

1 CHRISTOPHER J. CURTIS, ESQ.
2 Nevada Bar No. 4098
3 cjc@thorndal.com
4 PHILIP GOODHART, ESQ.
5 Nevada Bar No. 5332
6 png@thorndal.com
7 THORNDAL, ARMSTRONG, DELK,
8 BALKENBUSH & EISINGER
9 1100 Bridger Avenue
10 Las Vegas, Nevada 89101
11 MAIL TO:
12 P.O. BOX 2070
13 LAS VEGAS, NV 89125-2070
14 TEL: (702) 366-0622
15 FAX: (702) 366-0327
16
17 Attorney for Defendant,
18 ASPEN MANUFACTURING, LTD.

14 UNITED STATE DISTRICT COURT

15 DISTRICT OF NEVADA

16 PN II, INC. dba PULTE HOMES OF NEVADA,
17 a Nevada Corporation; and PULTE HOME
18 CORPORATION, a Michigan corporation,

19 Plaintiffs,

20 vs.

21 ASPEN MANUFACTURING, LTD., a Texas
22 Limited Liability Corporation; and DOES 1-100,

23 Defendants.

CASE NO. 2:14-CV-01382-APG-VCF

**STIPULATION AND ORDER TO
REVISE AND AMEND THE
STIPULATED DISCOVERY
PLAN AND SCHEDULING
ORDER (#12)**

24 Plaintiff and Defendant, acting by and through counsel, stipulate that the
25 Discovery Plan and Scheduling Order (#12) be revised and amended to reflect new
26 agreed upon deadlines and dates. The reason for this revision and amendment is that
27 Defendant is currently involved in state court litigation involving the same evaporator coil
28

Stipulation And Order To Revise And Amend The Stipulated Discovery Plan And
Scheduling Order (#12)

CASE NO. 2:14-CV-01382-APG-VCF

Page 1 of 5



that is at issue in this matter. The state court matter is entitled *The Seasons Homeowners Association v. Richmond American Homes of Nevada, et al.*, Case No. A-13-676550-D. In the *Seasons* case, the Special Master has issued a Case Management Order that requires the Defendants in that matter, including Aspen Manufacturing, Ltd., to deposit its expert reports on September 11, 2015. In light of the similarity between this case and the *Seasons* case, the parties have agreed that an earlier disclosure of expert witnesses in this matter could have a significant negative impact on the *Seasons* litigation.

As the issues involving the evaporator coils are virtually identical between this Federal Court action and the State Court action, and in order to maintain consistency between the two litigations, Plaintiff and Defendant, herein, respectfully request that the Stipulated Discovery Plan and Scheduling Order (#12) more closely track the State Court's Case Management Order. As such, the parties agree to the following new deadlines:

1. Date First Defendant Answered

Unchanged.

2. Meeting

Unchanged

3. Initial Disclosures

Unchanged

4. Discovery Plan

Unchanged

///

Stipulation And Order To Revise And Amend The Stipulated Discovery Plan And Scheduling Order (#12)

CASE NO. 2:14-CV-01382-APG-VCF

Page 2 of 5



1 **5. Discovery Cut Off Date**

2 Discovery is proposed to close on **November 27, 2015**. This extension is
3
4 requested so that the Federal Court action can more closely track the State Court action.

5 **6. Amending the Pleadings and Adding Parties**

6 The parties shall have ninety (90) days prior to the close of discovery within which
7
8 to amend the pleadings or add additional parties. The last day for amending pleadings or
9 adding parties shall be **August 27, 2015**.

10 **7. Fed. R. Civ. Proc. 26(a)(2) and LR 26-1(e)(3) Disclosures (Experts)**

11 Disclosures identifying experts shall be made **August 28, 2015**. Disclosures
12
13 identifying rebuttal experts shall be made **September 28, 2015**.

14 **8. Dispositive Motions**

15 The parties shall have until **December 28, 2015** to file dispositive motions. This is
16
17 thirty (30) days after the close of discovery.

18 **9. Pretrial Order**

19 The Joint Pretrial Order shall be filed by **January 27, 2016**, which is no later than
20
21 thirty (30) days after the date set for the filing of dispositive motions. In the event
22
23 dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended
24 until thirty (30) days after decision on the dispositive motions or by further order of the
25 Court.

26 **10. Stipulation Regarding Limitations or Conditions or Additional**
27 **Discovery**

28 Unchanged.



11. Interim Status Report

An interim status report shall be submitted by the parties by **September 28, 2016**, which is no later than sixty (60) days before the discovery cut off. The interim status report will state the time the parties estimate will be required for trial, giving three (3) alternative available trial dates, and stating whether, in the opinion of counsel who will try the case, trial will be eliminated or its length affected by substantive motions. This status report shall be signed by counsel for each party.

12. Later Appearing Parties

Unchanged.

13. Extensions or Modifications of the Discovery Plan and Scheduling Order Pursuant to LR 26-4

Unchanged.

14. Mediation

Unchanged.

15. Protective Order

Unchanged.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Stipulation And Order To Revise And Amend The Stipulated Discovery Plan And Scheduling Order (#12)

CASE NO. 2:14-CV-01382-APG-VCF

Page 4 of 5



DATED this 14th day of July, 2015.

THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER

/s/ Philip Goodhart

CHRISTOPHER J. CURTIS, ESQ.
Nevada Bar No. 4098
PHILIP GOODHART, ESQ.
Nevada Bar No. 5332
1100 Bridger Avenue
Las Vegas, Nevada 89101
Attorney for Defendant,
ASPEN MANUFACTURING, LTD.

KOELLER, NEBEKER, CARLSON
& HALUCK, LLP

/s/ Alicia A. Young

JASON W. WILLIAMS, ESQ.
Nevada Bar No. 8310
ALICIA A. YOUNG, ESQ.
Nevada Bar No. 10891
300 South Fourth Street
Suite 500
Las Vegas, Nevada 89101
Attorney for Plaintiff,
PULTE HOMES OF NEVADA

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: July 14, 2015

Respectfully Submitted by,

THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER

/s/ Philip Goodhart

CHRISTOPHER J. CURTIS, ESQ.
Nevada Bar No. 4098
PHILIP GOODHART, ESQ.
Nevada Bar No. 5332
1100 Bridger Avenue
Las Vegas, Nevada 89101
Attorney for Defendant,
ASPEN MANUFACTURING, LTD.

Stipulation And Order To Revise And Amend The Stipulated Discovery Plan And
Scheduling Order (#12)

CASE NO. 2:14-CV-01382-APG-VCF

Page 5 of 5

